

GAHC010149682024



THE GAUHATI HIGH COURT
(HIGH COURT OF ASSAM, NAGALAND, MIZORAM AND ARUNACHAL PRADESH)

Case No. : AB/1953/2024

MRIDUL NATH AND 2 ORS.
S/O SRI HEMANTA KUMAR NATH, R/O JAKHLAIPARA, SIMALAGURI, P.O.-
SIMALAGURI, P.S.-GOBARDHANA, DIST- BAKSA (BTR), ASSAM

2: HEMANTA KUMAR NATH
S/O LATE BHAIKAB CHAN. NATH
R/O JAKHLAIPARA
SIMALAGURI
P.O.-SIMALAGURI
P.S.-GOBARDHANA
DIST- BAKSA (BTR)
ASSAM

3: BHRIGU KUMAR NATH
S/O SRI HEMANTA KUMAR NATH
R/O JAKHLAIPARA
SIMALAGURI
P.O.-SIMALAGURI
P.S.-GOBARDHANA
DIST- BAKSA (BTR)
ASSA

VERSUS

STATE OF ASSAM
REPRESENTED BY THE PUBLIC PROSECUTOR, ASSAM

Advocate for the Petitioner : MR. K K DEKA, MS D RABHA

Advocate for the Respondent : PP, ASSAM,

**BEFORE
HONOURABLE MR. JUSTICE PARTHIVJYOTI SAIKIA**

ORDER

Date : 27.08.2024

Heard Mr. K.K. Deka, the learned counsel appearing for the petitioners as well as Mr. D.P. Goswami, the learned Additional Public Prosecutor for the State of Assam.

2. This is an application under Section 482 of the BNSS, 2023 praying for grant of pre-arrest bail to the petitioner in respect of Patacharkuchi P.S. Case No.151/2024.

3. The informant was maintaining a relationship with Mridul Nath for a period of 9 years. Within that period they had physical relationship on multiple occasions. At one point of time the petitioner Mridul Nath secured a government job and after joining service, he started to avoid the girl. The girl was mentally suffering. On one occasion, Mridul Nath allegedly gave a written undertaking in presence of his brother and father that he would marry the informant, but he did not marry her.

4. In her statement recorded u/s 183 of the BNSS, 2023, she has claimed that Mridul Nath has married her in a temple.

5. I have considered the submissions made by the learned counsels of both sides.

6. The informant has projected a case of cheating and she has roped in the entire family members of Mridul Nath, but in her statement recorded u/s 183 of the BNSS, 2023, she has stated before the Magistrate that Mridul Nath has married her in a temple.

7. Since Mridul Nath has married the informant, there is no case against Mridul Nath and his family members.

8. Considering the aforesaid facts, this Court is of the opinion that the petitioner, Mridul Nath, his father Hemanta Kumar Nath and his brother Bhrigu Kumar Nath do not deserve to be detained in custody. Therefore, their bail application is allowed.

9. It is hereby directed that in the event of arrest in connection with Patacharkuchi P.S. Case No.151/2024, the petitioners, namely, Mridul Nath, Hemanta Kumar Nath and Bhrigu Kumar Nath shall be released on bail of Rs. 20,000/- each with a surety of like amount to the

satisfaction of the arresting authority. They shall co-operate with the Investigating Officer as and when required.

10. The bail application stands disposed of.

The case diary shall be returned.

JUDGE

Comparing Assistant